

1 the judges.

2 Q Okay. And did you show a date on the
3 planner for when you said Bonanno and -- or Pisano and
4 Gay were actually working on the journal together in
5 the office? Is there a date that you know of they were
6 working on that?

7 A No, I don't have the specific date. I
8 would venture to say you're going to get into that at a
9 later time.

10 MR. HILL: And it appears that it was
11 multiple dates, not a one sit-down-and-write-it
12 type thing.

13 THE WITNESS: Right, yes.

14 BY GRAND JUROR (resuming):

15 Q But it was maybe right around the same
16 time that all the other things were happening those two
17 or three weeks?

18 A I can't say that.

19 MR. HILL: We'll try to pin that down.
20 But we think the journal was probably much
21 earlier than this incident, much earlier.

22 A It's my understanding that when this
23 incident took place the journal had already been
24 completed.

25 Q Oh.

1 MR. HILL: Let's stay with the back row,
2 please, ma'am. Yes, sir.

3 BY GRAND JUROR:

4 Q How long had Bonanno been the Judge for
5 the General Civil Court, the Administrative Judge?

6 A I do not know the answer to that question
7 other than the fact that he has served as a judge for
8 approximately 18 years.

9 Q Do you know if that was the way he always
10 delivered those monthly stat reports?

11 A It's my understanding that it is.

12 Q So --

13 A Yes.

14 Q So he would always go around to each
15 office and drop them off?

16 A Yes.

17 Q Were the stats in the office? Were the
18 monthly stat reports in Judge Holder's office?

19 A Okay. Judge Holder works in the Family
20 Law Division. He has no need or --

21 Q But he said he was there to drop off
22 those stats, right?

23 A In his conversation with me maybe he said
24 that one way or another --

25 Q Right.

1 A -- but in his conversation to me he was
2 there to meet with Judge Holder to discuss the tension
3 in the courthouse --

4 Q Right.

5 A -- and the issue involving the Rex
6 Barbas, Rex Barbas' brother's divorce, the motions.

7 Q Okay. All right. I wanted to get that
8 out of the way. Also Pisano, you kind of asked that,
9 but do you know when this diary was written?

10 A At this point we have not had an
11 opportunity conduct those interviews. We haven't
12 focused on that portion of the investigation as of yet.

13 MR. HILL: We'll explore that in just a
14 few minutes, too.

15 GRAND JUROR: Okay. Do we know what's in
16 the diary?

17 MR. HILL: No. And I will explain to you
18 why we're not going to meet next Wednesday
19 morning in just a little while, too. Some of
20 you already know.

21 BY GRAND JUROR:

22 Q I just had a question on the -- can we
23 see the drawing of the office there?

24 MR. HILL: Yes, ma'am.

25 BY GRAND JUROR (resuming):

1 Q The doorway that was supposed -- that was
2 supposed to be ajar there going into the private
3 office, what is on the op -- what is on the other side
4 of that door? Is that a hallway?

5 A Yes, it's a small hallway about the --
6 about the size of the one you walked to here.

7 Q Is that a common hallway that anybody
8 can --

9 A Well, this hallway leads to Judge
10 Ficarrotta's chambers, and there's another office over
11 in this general vicinity.

12 Q I guess what I'm asking is, could like I
13 get into that hallway just by walking through the
14 courthouse, or do you need access to get in? Like, is
15 there a door that leads into that hallway?

16 MR. HILL: From out here?

17 A There is a door. Not working here I
18 don't necessarily know if it's permissible for you to
19 go back there, but I really don't see it being much of
20 a problem. This door is not locked. Security is not
21 posted.

22 Q Okay.

23 A And it does lead to the judge's chambers,
24 so I would assume you can walk down there.

25 Q Okay. And when -- the arm of that door

1 that closes the door doesn't automatically lock the
2 door. I assume it just closes it? It just latches it?

3 A No, it's a similar doorknob locking
4 mechanism and the door --

5 Q In other words, it latches but it doesn't
6 lock where you can't turn the knob and enter?

7 A That's correct, you would have to push
8 the little plunger.

9 MR. HILL: Well, right. If it is locked
10 when it closes, then it's locked.

11 THE WITNESS: Oh, yes. Yeah, then it
12 will be locked, yes.

13 MR. HILL: When it's unlocked when it
14 closes --

15 THE WITNESS: It will be unlocked.

16 MR. HILL: -- it will be unlocked.

17 THE WITNESS: That's correct, yes.

18 BY GRAND JUROR (resuming):

19 Q In other words, it's not like a hotel
20 room that --

21 A Right.

22 Q -- when it closes you're done; you don't
23 have any way to --

24 A Right, that's correct.

25 MR. HILL: Yes, ma'am.

1 BY GRAND JUROR:

2 Q The Judge who is the Chief Judge, how is
3 he appointed? Is he elected? How is the Chief Judge
4 appointed?

5 A It's my understanding that the judges
6 within the circuit vote for that to pick one judge.

7 Q Who to make chief?

8 A I assume all of them do.

9 MR. HILL: Every two years.

10 GRAND JUROR: Every two years.

11 A And I was listening to an interview with
12 Judge Alvarez this morning, and he indicated that
13 there's 48 judges in this circuit.

14 GRAND JUROR: Good. Thank you.

15 BY GRAND JUROR:

16 Q Do we know when Tara Pisano retained
17 Cohen?

18 A I do not have that date.

19 Q No?

20 A It was short -- well, no we do not.

21 GRAND JUROR: Okay.

22 BY GRAND JUROR:

23 Q My question is when a judge is out on
24 duty, such as military duty, are the other judges aware
25 of his absence?

1 A The way it was reported to me by the
2 Chief Judge is it is the judge's responsibility to take
3 care of his calendar. If you're going to take a day
4 off, a week off planning for vacation, you need to
5 clear your calendar.

6 It is not necessary for you to notify the
7 Chief Judge that you're going to be out this week or
8 you're out sick or something of that nature. Normally
9 your Administrative Judge for your particular division
10 would be notified or would know that you're out, but
11 not necessarily.

12 In fact, when I spoke to Judge Bonanno,
13 he indicated that judges that work in his division
14 might take a day off or a couple days off and he
15 doesn't know about it. The only time he would know
16 about it is if that particular judge requested a
17 retired judge to come in and handle his docket or his
18 calendar for him during his absence because then it
19 becomes a money issue; someone has to pay that retired
20 judge. But normally the judges run their own offices
21 similar to their own businesses.

22 Q One other question. Who ordered Officer
23 Sheehan to do this investigation? I notice that there
24 were there was some kind of relationship between the
25 other judge with the F.

1 A Judge Ficarrota?

2 Q Ficarrota, yes.

3 A Yes. Yes, the investigation was
4 requested by the Chief Judge, Dennis Alvarez.

5 GRAND JUROR: Okay. Thank you.

6 BY GRAND JUROR:

7 Q Did any of the statistics that Bonanno
8 would have pertain to the department that Holder worked
9 in?

10 A It's my understanding that they did not,
11 although Judge Holder's name was contained in those
12 statistics.

13 (Brief pause in the proceedings.)

14 A Once again, the answer to your question
15 was no, it did not, although Judge Holder's name was
16 contained in those statistics due to the fact that he
17 at one time or six months earlier had worked in that
18 division.

19 Q Second question is, did Holder request
20 Gomez by name? Gomez said Holder requested her.

21 A That's correct.

22 Q Did you ask Holder if, in fact, he did?

23 A No. I have not seen Judge Holder since I
24 spoke to Mrs. Gomez.

25 Q And last question is who does the JQC

1 report to?

2 THE WITNESS: Can you help me?

3 MR. HILL: They're pretty much an
4 autonomous body.

5 GRAND JUROR: But everyone has a boss.
6 In other words, if Governor Bush requested --

7 MR. THULLBERY: The Supreme Court.

8 MR. HILL: No, it would be the Florida
9 Supreme Court has more jurisdiction over this
10 than the Governor does.

11 GRAND JUROR: Okay.

12 MR. HILL: They have the authority to do
13 the investigation and theoretically follow
14 through on charges and make recommendations to
15 the Florida Supreme Court.

16 A It's my understanding like with -- you
17 have the Florida Bar and they have their own
18 investigators that investigate attorneys. The Judicial
19 Qualifications Commission investigates ethically --

20 Q Yes, sir.

21 A -- criminal violations involving judges.

22 BY GRAND JUROR:

23 Q Does Bailiff Gay work strictly with Judge
24 Holder, or does she have other duties?

25 A That's her primary position.

1 Q And is that her usual procedure every
2 night, to check his office to make sure it's locked?

3 A Well, on that particular night she was
4 working some night court, and she had left her personal
5 belongings in Judge Holder's chambers. And she was
6 just responding back to retrieve them.

7 Q Okay.

8 MR. HILL: Yes, sir.

9 BY GRAND JUROR:

10 Q All right. This changes the subject a
11 little bit. In my line of work I used to work what's
12 called sociograms. An example being I had 30 students
13 in a building or in a room. I would say take a sheet
14 of picture and draw little circles for all the students
15 in this room. And I will draw lines to your best
16 friend, second best friend, and draw these alliances
17 that sort of looks like the Vienna Congress plotting
18 the Napoleonic Wars, but it tells you an awful lot.

19 Now, you have a start where you have this
20 time line. This might be an area you wouldn't want to
21 pursue, nor have the time or the staff to do it.

22 However, I have about just roughly eight pages here.

23 It would be possible to take all of your
24 testimony, put it on one sheet of paper and draw these
25 alliances and various codes and what have you, and give

1 it to us and sort of say here it is, and if you can
2 master this you can probably master the bridge
3 tournament in Paris next month. But it gives us a
4 thumbnail situation here. Have you ever done anything
5 like this before, or is it worth the effort if we did
6 this?

7 A We do put link charts together --

8 Q Okay.

9 A -- and so forth, yes, we do.

10 Q Because I would like to take this home,
11 and I can't take it home really, and digest it. Right
12 now I'm asking myself who has the movie and book rights
13 to all of this testimony?

14 A Right.

15 Q You, I hope.

16 A I understand what you're asking for, and,
17 you know, I'll discuss it with Mr. Hill. I don't see
18 why that would be too difficult to put together.

19 MR. HILL: We may be able to. Again, I
20 tried to kind of hint to you that this would be
21 incredibly confusing the first time through.
22 And I hope I haven't disappointed you.

23 GRAND JUROR: No. But I don't want to
24 make this more than it really should be.

25 MR. HILL: Exactly. And I think what you

1 will find now is that as we go on it's a little
2 bit of a narrowing process. Some of what you
3 heard will become incredibly important, other
4 bits you will dismiss as not critical to what
5 we're looking at.

6 You know, the idea is for the Grand Jury
7 to make some real essential decisions as we go
8 along, but we may get to that chart also.

9 GRAND JUROR: But two points: One, you
10 give me the air you are a man of much
11 accomplishment and experience. He doesn't have
12 this prerogative because it's not his job.

13 But if we're not careful, and I listened
14 to testimony and I guess most of us watch
15 television, the phrase "that's hearsay and
16 inadmissible" kills a lot of good intentions of
17 people in the jury box. And I'm sure you've
18 seen that many times.

19 I'm afraid a lot of this could be washed
20 off as hearsay. Give me something tangible. We
21 have not missed a file in that office or
22 anything like that that we can sort of state,
23 "Yes, this is gone and you have it. We found it
24 in your drawer in your basement."

25 MR. HILL: You're -- you're way ahead.

1 Let's see if we can isolate --

2 GRAND JUROR: I'm sorry.

3 MR. HILL: Again, my last question,
4 because nobody wants to mislead you, is we don't
5 know what his intent was in that office, do we?
6 I don't want to mislead anyone. I don't want to
7 suggest that he was there trying to rip the
8 place off. He may have been, but I'm not
9 suggesting that. You're going to draw these
10 conclusions, not me.

11 GRAND JUROR: Okay.

12 MR. HILL: Any particular question? I
13 see hands are going up again and we've got to
14 keep it moving. Let's go on around before we --
15 yes, ma'am.

16 BY GRAND JUROR:

17 Q I just have a real quick question. You
18 said in the e-mail that about -- the original e-mail to
19 Judge Alvarez about the breach of security and that
20 everybody has the same keys to everybody else's
21 offices. Is that common knowledge, obviously, with all
22 the judges so they would know if they have sensitive
23 material regarding another judge not to leave it?

24 A Yes. Yes, it's common knowledge and --

25 Q And that the desks were not locked?

1 A And the judges have the ability to change
2 the locks on their doors should they choose to do so.
3 The majority of the judges don't have a problem with
4 other judges entering their office after hours or
5 during days because, you know, certain files might be
6 needed by another judge regarding other issues, and it
7 just makes life a whole lot easier for everybody.

8 Q So the judges all know that their offices
9 aren't truly secure, that other people have access to
10 them?

11 A That's correct. With the exception of
12 the handful or so that have, in fact, like Judge Gaspar
13 Ficarrotta who have changed the locks on their doors.

14 Q And that was in response to a theft?
15 Didn't you say that he had changed his locks in
16 response to something? And I was wondering who
17 investigated that particular incident that led him to
18 change his locks?

19 A I believe -- I have not asked him this.
20 I believe he may have changed his locks due to some
21 threats.

22 Q Threats, that's what it was.

23 A Threats that had been made against
24 various judges in this circuit.

25 Q I remember now. That is what you said,

1 correct.

2 A There was a group of individuals, a clan.

3 MR. HILL: Anything else before we
4 dismiss him with our blessings? Yes, ma'am.

5 BY GRAND JUROR:

6 Q I think, I think I heard you say that
7 Judge Holder said it was common knowledge that he was
8 going to be away, that more or less everybody knew.
9 But then later on, I think when you were clarifying,
10 you said that, well, a judge is really responsible for
11 clearing his own calendar.

12 So, you know, why would it be his
13 impression it was common knowledge? Did he tell a lot
14 of people or --

15 A I guess that's a question you will need
16 to pose to him. And the response I gave regarding
17 clearing the calendar and so forth, that was the
18 response I got back from Judge Bonanno and Judge
19 Alvarez.

20 GRAND JUROR: Okay.

21 MR. HILL: One of the reasons, and I
22 really should save this, but one of the reasons
23 you're getting these conflicts is because, as a
24 good investigator does, he says, "Here's what I
25 learned from this person."

1 GRAND JUROR: Right.

2 MR. HILL: And then later on he says,
3 "Here's what I learned," and it flies in the
4 face of that. And you say, "My goodness." But
5 all of those things are true that you heard,
6 it's just a question of source.

7 This is an overview, and hopefully we
8 will bring in some of the sources later on for
9 you to question. Last question. Yes, ma'am.

10 BY GRAND JUROR:

11 Q Well, just a sort of a little tail end on
12 hers. There was not a memo or an e-mail then from him
13 telling people that he was going to be away?

14 A No, there was not, not to my knowledge.
15 And if my memory serves me correct, I specifically
16 asked Judge Alvarez to check his files for such a memo
17 and one was not located.

18 MR. HILL: We thank you. We remind you
19 it's a Grand Jury and what we say here stays
20 here.

21 THE WITNESS: Okay.

22 MR. HILL: And if you can bear with us
23 outside for just a few moments, I want to see
24 you before I go. Thank you.

25 GRAND JUROR: Have fun.

1 MR. HILL: We're also going to excuse you
2 as we wrap up here. And we thank you.

3 (The testimony was concluded at 3:10
4 p.m.)
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